

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: CITY MANAGER

ITEM DESCRIPTION: Discussion and possible action on requesting the Nevada State Legislature to amend the City Charter to address issues related to the municipal court, affordable housing and other related matters

The burgeoning increase of population in our valley impacts all areas of service to our citizens. For the past 15 years, the Las Vegas Municipal Court has introduced organizational efficiencies that have enabled it to accommodate the ever increasing caseload without adding an additional judge. However, the continued increase in traffic and criminal misdemeanor case filings has begun to impact the court's ability to properly dispense justice to our citizens in a timely manner.

In the 15 years since the last judicial department was created, the court's caseload has increased from 102,351 cases (FY1991) to 198,672 (estimated FY07), or a 96% increase. And, all projections call for continued growth in our valley's population (and thus the court's caseload) into the foreseeable future.

According to statistics compiled by the Nevada Administrative Office of the Courts and published in the Nevada Judiciary Annual Report, in fiscal year 2006, the six Las Vegas Municipal Court judges heard 5,277 *non-traffic* cases each, as compared to 3,883 each for North Las Vegas Municipal Court judges and 2,104 each for Reno Municipal Court Judges (the next two busiest Nevada Municipal Courts). These non-traffic cases include a significant proportion of domestic violence, DUI, and drug related matters which, by their nature, are time consuming and of high social impact to our society.

Rather than request the creation of a seventh judicial department to accommodate this growing caseload, and after due consideration, the judiciary of the Las Vegas Municipal Court, with the agreement and support of the City Attorney, is recommending that the determination of traffic charges be resolved for the most part by the creation of Traffic Masters to hear such cases.

Therefore, the Las Vegas Municipal Court recommends asking the Nevada State Legislature to amend Article 4 of the City Charter to add a section to enable the Court to appoint and utilize Traffic Hearing Masters as follows:

1. The Master Judge of the Municipal Court or designee may appoint one or more hearing masters to hear and decide:
 - a) Any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379; or
 - b) Any action for a misdemeanor constituting a violation of a city traffic ordinance.
2. Each hearing master must meet the qualifications of a municipal court judge as set forth in NRS Chapter 5 or this charter.
3. In connection with any action of a type described in subsection 1, a hearing master shall have all the powers and duties of a municipal judge and a magistrate under State law. To the extent possible and practicable, the proceedings in such actions shall be subject to and governed by the provisions of State law, this charter and City ordinances that pertain to municipal judges.

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4. Hearing masters shall be paid such compensation as is determined by the city council.

Additionally, The Las Vegas Municipal Court recommends asking the Nevada State Legislature to amend Article 4 of the City Charter to add a section to enable the Court to appoint a Master Judge as follows:
Section 4.020

3. The municipal judge who holds seniority in years of service in office, either elected or appointed, is the master judge. If two or more judges are equal in seniority, the master judge must be chosen from among them by the city council. The master Judge:
 - (a) Shall establish and enforce administrative regulations....
 - (b) Is responsible for setting trial dates...
 - (c) Shall perform such other court administrative duties...

If for any reason, the master judge is unable to fulfill his/her duties, the judge next in seniority will be the master judge.